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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

Mark R. Hoop, et al.,

Plaintiffs,

v.

Jeffrey W. Hoop, et al.,

Defendants.

Civil Action No. C-1-00-869

District Judge Susan J. Dlott

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION
REGARDING NOTICES TO PATENT AND COPYRIGHT OFFICES**

Defendants have moved the Court for an Order declaring invalid Plaintiffs' patent and their copyright registrations, that related notices and filings be made, that Defendants be declared to be the inventors of the patented ornamental design, and that Plaintiffs be permanently enjoined from infringing Defendants' patent and from further use of eagle design copyrights.

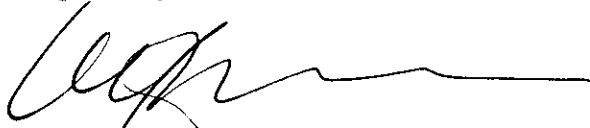
Defendants' motion is premature. Until a final, non-appealable judgment is entered, the requested relief is not warranted. And Defendants have cited no authority in support of a grant of their requested relief at this juncture in the proceedings. In that regard, there is presently pending before the Court for determination PLAINTIFFS' RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW OR, IN THE ALTERNATIVE, FOR A NEW TRIAL OR AMENDMENT OF THE JUDGMENT, in which Plaintiffs request relief that is contrary to and inconsistent with the relief requested by Defendants.

Until Plaintiffs JMOL motion is decided and a ruling thereon is entered by this Court, and until after any judgment has become final by virtue of there being no further right of appeal, this motion should be denied without prejudice to its resubmission at the proper time.

CONCLUSION

Defendants' motion should be denied as untimely.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred J. Mangels', with a long horizontal flourish extending to the right.

Alfred J. Mangels (0015981)
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Trial Attorney for Plaintiffs


Of Counsel:
Timothy A. Magee, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION REGARDING NOTICES TO PATENT AND COPYRIGHT OFFICES was served upon counsel for Defendants this 15th day of March 2004, by mailing a copy of the same by first-class mail, postage prepaid, in an envelope addressed as follows:

Stella B. House, Esq.
STELLA B. HOUSE, ATTORNEY-AT-LAW, P.S.C.
Post Office Box 422
Manchester, Kentucky 40962-0422

Mar. 15, 2004
Date


Alfred J. Mangels
Trial Attorney for Plaintiffs